

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

SALLY J. WILSON,

Petitioner,

v.

CIVIL ACTION NO. 5:05-cv-00795

DALE HUMPHREY, Warden,

Respondent.

**MEMORANDUM OPINION AND ORDER**

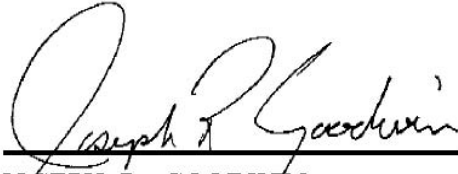
Pending before the court is the petitioner's motion under 28 U.S.C. § 2254 for Writ of *Habeas Corpus* By a Person in State Custody. This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court dismiss Petitioner's first, second and fourth grounds for relief and direct Petitioner within twenty days from entry of this Order to file an Amended § 2254 Petition containing only exhausted claims.

Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge, and **ORDERS** that the Petitioner's first, second, and fourth grounds for relief be **DISMISSED**. The court also **DIRECTS** the petitioner to file an Amended § 2254 Petition containing only exhausted claims by April 3, 2006.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: March 10, 2006

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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE